

pranschke.james_060408.txt

00001 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

5 EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
6 Plaintiff,
7 vs. 2:07-CV-14124
8 Hon. Patrick J. Duggan

9 HOSANNA TABOR EVANGELICAL
10 LUTHERAN CHURCH AND SCHOOL,
11 Defendant.
12 and
13 CHERYL PERICH,
14 Plaintiff/Intervenor,
15 vs.
16 HOSANNA TABOR EVANGELICAL
17 LUTHERAN CHURCH AND SCHOOL,
18 Defendant.

00002 The Deposition of JAMES EDWARD PRANSCHKE,
Taken at 477 Michigan Avenue,
Detroit, Michigan,
Commencing at 2:21 p.m.,
Wednesday, June 4, 2008,
Before Jodi L. Jones, CSR-6591.

00003 APPEARANCES:
1 OMAR WEAVER
2 Equal Employment Opportunity Commission
3 477 Michigan Avenue
4 865 McNamara Building
5 Detroit, Michigan 48226
6 (313) 226-4600

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9 Appearing on behalf of Plaintiff.

10 JAMES E. ROACH
11 Vercruysse, Murray & Calzone, P.C.
12 31780 Telegraph Road
13 Suite 200
14 Bingham Farms, Michigan 48025
15 (248) 540-8019
16 Appearing on behalf of Plaintiff/Intervenor.

17 DEANO C. WARE
18 26677 W. Twelve Mile Road
19 Southfield, Michigan 48034
20 (248) 386-9985
21 Appearing on behalf of Defendants.

22 ALSO PRESENT: Cheryl Perich.

00004 Detroit, Michigan
2 Wednesday, June 4, 2008
3 2:21 p.m.

5 JAMES EDWARD PRANSCHKE
6 was thereupon called as a witness herein, and after
7 having first been duly sworn to testify to the truth,
8 the whole truth and nothing but the truth, was
9 examined and testified as follows:
10 EXAMINATION
11 BY MR. WEAVER:
12 Q. Good afternoon. Mr. Pranschke, my name is Omar
13 Weaver. I represent the Equal Employment Opportunity
14 Commission in this case. Let me start by asking you
15 if you've ever had your deposition taken before.
16 A. Yes, I've a given deposition before.
17 Q. Okay. Most recently when was the last time you've had
18 that happen?
19 A. Fall of last year. September, October.
20 Q. Okay. Let me just remind you of a few essential rules
21 for both of us as we go through this process. First
22 and foremost, the court reporter is taking down
23 everything that we are saying so it's important to
24 speak clearly and answer verbally, yes or no, as
25 opposed to other gestures that may not be as clear.

00005 A. Okay.
2 Q. Secondly, we shouldn't talk over each other. You
3 should wait until I finish a question before you give
4 your answer and I'll wait until you are done answering
5 before I ask the next question.
6 A. Okay.
7 Q. And finally, if you don't understand a question, just
8 let me know. I'll be happy to repeat it, okay?
9 A. Okay.
10 MR. WARE: And the only thing I'd add is this
11 isn't a guessing exercise, so if you don't know the
12 answer to a question, say I don't know.
13 THE WITNESS: Okay.
14 MR. WARE: If you are speculating or trying
15 to remember, then just preface your answer with, you
16 know, I'm trying to remember or I can speculate.
17 THE WITNESS: Okay.

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18 BY MR. WEAVER:
19 Q. What is your current address, sir?
20 A. 36025 Grennada, G-r-e-n-n-a-d-a. That's in Livonia.
21 Q. And where are you from originally?
22 A. I grew up in Redford.
23 Q. Redford, okay. And are you currently married?
24 A. I am married, yes.
25 Q. For how many years?

00006 A. It will be 20 -- 28 this November.
2 Q. Do you have any children?
3 A. I have one child, yes.
4 Q. Are you employed now?
5 A. I am.
6 Q. Where are you working?
7 A. I work at Blue Cross Blue Shield of Michigan.
8 Q. Mr. Pranschke, have you done anything today to -- have
9 you done anything to prepare for your deposition
10 today?
11 A. I talked with Deano for a few minutes before -- before
12 we came in and I read some documents that my legal
13 staff gave me when I was doing my other deposition.
14 Q. Your other deposition?
15 A. The deposition I gave back in September.
16 Q. Okay.
17 A. That was a suit involving Blue Cross Blue Shield.
18 Q. And what documents in particular did you review?
19 A. Just how to -- how to answer questions, tell the
20 truth, be direct, that type of thing.
21 Q. Are you currently a member of Hosanna Tabor Lutheran
22 Church?
23 A. Yes, I am.
24 Q. How long have you belonged to the church?
25 A. My entire life. 53 years.

00007 1 Q. Does your wife also belong to the church?
2 A. Yes, she does.
3 Q. And my understanding is that there is also a school?
4 A. Hosanna Tabor is not only a church but it's also a
5 Lutheran school?
6 A. It's one of our missions is a Lutheran school, yes.
7 Q. And is that through grades K through 8 or --
8 A. We start with preschool, three and four. Preschool
9 through grade eight.
10 Q. Okay. Have you -- can you just tell me all of the
11 positions of service you've had for either the church
12 or the school? Well, let me qualify because you've
13 been there for quite some time. I would say probably
14 within the last five years.
15 A. The only position I've had in the last five years,
16 I've been president of the congregation. Well, I
17 usher and I do some Sunday school and help with -- I
18 mean, I'm involved in a lot of different things, but
19 official position is president.
20 Q. Okay. And you are going to have to just briefly
21 educate me a little bit.
22 A. Okay.
23 Q. What do you do as president of the congregation?
24 A. Just about everything -- no official duties are to
25 preside over the -- the congregational meetings and

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00008 1 the board of directors meetings to provide leadership.
2 Q. Okay.
3 A. But -- I have my hands in a lot of different things.
4 Q. You mentioned the board of directors. Is that a
5 separate body from the board of education?
6 A. Yes.
7 Q. Okay. As congregation president are you yet and still
8 a member of the school board even though you are
9 president of the congregation?
10 A. I'm ex-officio member of every board, but I don't
11 typically attend most board meetings; although, I have
12 been recently because our pastor has left. We don't
13 currently have a pastor and I've been kind of trying
14 to fill his role in the board meetings. So that's
15 been since November my pastor left.
16 Q. Okay. My understanding is that the members of the
17 board of education are essentially volunteers; is
18 that --
19 A. Yes.
20 Q. Okay. We are all volunteers.
21 A. No one is paid.
22 Q. Okay.
23 A. The principal is -- I think he or she is an ex-officio
24 member of the school board, so they do not -- they
25 don't get a vote but they come to the -- to the

00009 1 meetings.
2 Q. Okay.
3 MR. WEAVER: Can we mark that please?
4 MARKED BY THE REPORTER
5 DEPOSITION EXHIBIT NUMBER 1
6 2:32 p.m.
7 BY MR. WEAVER:
8 Q. I'm showing you what's been marked as Exhibit 1, which
9 for the record is Hosanna Tabor's answers to the first
10 set of interrogatories. I just want to direct your
11 attention to interrogatory number one, which requests
12 a list of the individuals who served on the board
13 between August 2004 and June 2005. Do you see where I
14 am?
15 A. Yes, I do.
16 Q. Okay.
17 A. It lists my name, but that is incorrect.
18 Q. What is incorrect about it?
19 A. I'm not a full member. I'm an ex-officio member.
20 Q. Okay. And you mentioned the principal was also an
21 ex-officio member?
22 A. Correct.
23 Q. And at the time that was Stacey Hoeft?
24 A. That's correct.
25 Q. Okay. And with respect to the other people listed

00010 1 there, to your knowledge were they all members at that
2 time?
3 A. I -- I do not remember that far back. I know they
4 have all been involved with the school board, whether
5 they were members -- the school board is -- kind of
6 fluctuates, so there are members that come and go
7 pretty fluidly.
8 Q. Okay. Can you think of anyone who may have been a

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9 member who is not listed in number -- in item one of
 10 this interrogatory at the time, 2004-2005?
 11 A. No, I don't know of anyone else.
 12 Q. I may have asked you this already, but are you
 13 currently still president of the congregation?
 14 A. Yes, I am.
 15 Q. Okay. Who are the current members of the board? The
 16 school board, I'm sorry.
 17 A. Oh, school board. Okay. The chairman is Janeen
 18 Rotta, the secretary is Judy Johnston, and I don't
 19 know if the other ones on the board if they have a
 20 specific function that they do. Lisa Reardon, Tracy
 21 Mosure, Sandy Bryer, those are the members.
 22 Q. Okay.
 23 A. And then David Cush, our principal, is ex-officio. Is
 24 that five? Janeen -- one, two, three, four, five,
 25 yeah.

00011

1 Q. How often does the school board meet?
 2 A. Typically once a month depending if they have --
 3 they've been meeting more regular, they are reviewing
 4 some handbook or something, I don't know, but
 5 typically once a month. And maybe -- maybe not in the
 6 summer.
 7 Q. Okay.
 8 A. Again, I don't attend the meetings so I don't know for
 9 sure.
 10 Q. Okay. Can you tell me your -- even though you don't
 11 attend meetings, to the best of your knowledge what is
 12 the purpose or function of the board of education?
 13 You mentioned a minute ago the review of handbook.
 14 A. To review handbooks, to set policy, that type of
 15 thing. It'd be more policy related to the children
 16 and the operation of the school. They also offer
 17 contracts when we -- when we do a contract to the --
 18 to the teachers.
 19 We have -- we have two types of teachers,
 20 call teachers and contract teachers. The call
 21 teachers, the school board is not -- cannot call
 22 somebody. The congregation as a whole calls our
 23 teachers.
 24 Q. Okay.
 25 A. So they would go through the process and review and

00012

1 recommend to the board of directors who would then
 2 take it to the congregation.
 3 Q. I'm confused. You said the congregation reviews the
 4 calls and, what, they make the recommendations to the
 5 board of directors?
 6 A. No, no. The school board or -- or a call committee.
 7 Q. Okay.
 8 A. Most often made up a lot of members of the school
 9 board, they may have like other members. If we're in
 10 need of a teacher and we want to call somebody, they
 11 would review a list that they would get from our
 12 district.
 13 Q. Right.
 14 A. Do interviews and that kind of thing, and then make a
 15 recommendation. There might be -- typically there is
 16 more than one when it gets to the congregation, so
 17 there is a choice to be made. And then the

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18 congregation in a meeting would -- would listen to the
 19 recommendation from the school board and -- or no
 20 recommendation, might -- and vote to call it, call a
 21 certain teacher.
 22 Q. Okay. And just so that I'm clear, does the board of
 23 directors have a role in that or no?
 24 A. Kind of as a sounding board for the school board. The
 25 school board would bring it to the board of directors.

00013

1 Q. Okay.
 2 A. And then my role as president, I would call a
 3 special -- special meeting, or if it happened to
 4 fall -- we have three regular meetings a year. If it
 5 happened to fall at the right time, we would just have
 6 it at our regular meeting.
 7 Q. Okay.
 8 A. The call process.
 9 Q. And so going back to the contract teachers, the board
 10 can independently offer contract to a contract
 11 teacher?
 12 A. Within budget constraints.
 13 Q. Right. Got it.
 14 A. So if we have budgeted for a teacher and there is an
 15 opening, typically the process, they typically like to
 16 hire synodically trained teachers who would then be
 17 called, okay?
 18 Q. Right.
 19 A. If they are not available then they would -- or if the
 20 time was short, they would, you know, look for
 21 another -- another teacher and they would offer a
 22 contract, again, within budget constraints. Anything
 23 that increases our budget needs to go to the
 24 congregation.
 25 Q. Okay. Okay. To the best of your knowledge are call

00014

1 teachers employed by both Hosanna Tabor and the
 2 Michigan District of the --
 3 A. No. Just Hosanna Tabor.
 4 Q. Okay. They just -- they just become eligible --
 5 A. They become eligible for a call through being
 6 synodically trained and being on -- what's called
 7 being on the roster of the Lutheran Church of Missouri
 8 Senate.
 9 Q. Okay.
 10 A. So the Lutheran Church of Missouri Senate has -- has,
 11 you know, stated that these people are eligible for
 12 call.
 13 Q. Okay.
 14 A. You understand the three bodies here, the senate
 15 versus the district versus the church?
 16 Q. Yes.
 17 A. Okay.
 18 Q. So far.
 19 A. Okay.
 20 Q. Okay. I just want to make sure I understand something
 21 about the congregation. The -- with respect to the
 22 body that votes on, for example, bringing in a call
 23 teacher or some other matter, is that -- I'm assuming
 24 that consists of just certain members empowered to
 25 vote versus the entire congregation or is that --

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00015

1 A. Every member 18 and older is eligible to be a voting
 2 member.
 3 Q. Okay.
 4 A. In order to be a voting member you have to attend a
 5 regular congregational meeting. So we accept -- we
 6 accept new members to the -- to the voting assembly at
 7 regular meetings. If it is a special meeting, that's
 8 not -- that's not allowed. We cannot accept new
 9 members at a special meeting. A special meeting has
 10 to be just what it is called for.
 11 Q. And special meetings just occur as situations might
 12 arise?
 13 A. As situations arise, yes.
 14 Q. Okay. Can you tell me what, if any, process occurs
 15 with respect to interaction between the school board
 16 and the congregation when you want to remove a called
 17 teacher or essentially terminate that person's
 18 employment?
 19 A. The school board or any -- actually anybody, the
 20 school board or board of directors or even district
 21 could bring information to the congregation that would
 22 show cause for rescinding a call. That's the
 23 terminology. You know, so whatever, you know,
 24 situation would arise that would require that
 25 recommendation to be made. And then the congregation,

00016

1 because they have issued the call, they are the only
 2 ones that can rescind a call.
 3 Q. Okay. Okay. I'm assuming you know Cheryl Perich?
 4 A. Yes.
 5 Q. Okay. And she used to teach for Hosanna Tabor,
 6 correct?
 7 A. Correct.
 8 Q. I'm representing to you that the last school year she
 9 worked was 2003 through 2004, is that -- would you
 10 dispute that?
 11 A. I -- I don't remember what year it would be.
 12 Q. Okay. Is it your understanding that in the fall of
 13 2005 she was on a disability?
 14 A. I knew she was on a disability. I wouldn't -- I
 15 couldn't remember the exact time of that, but it was
 16 the fall before all this transpired.
 17 Q. Okay. And do you have any knowledge or any idea
 18 whatsoever how long she was on a disability leave?
 19 A. I think it was at least -- at least six months.
 20 You mean six months before making an attempt to return
 21 to work? I just want to clarify that.
 22 A. She was out of the classroom six months when the
 23 school board was taking action to -- to put in
 24 another -- in another teacher.
 25 Q. Okay.

00017

1 A. Prior to that they were combining classrooms and that
 2 was not working out very well.
 3 Q. Did you become aware at any time during the school
 4 year 2004-2005 that Ms. Perich had been diagnosed with
 5 narcolepsy?
 6 A. Somewhere in that period, yeah, I attended a school
 7 board meeting and became aware of that. Although, I
 8 think there was -- was diagnosis and new diagnosis and

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9 it seemed like we were unclear exactly what -- what
 10 condition she was being treated for. Or at least I am
 11 unclear.
 12 Q. Okay.
 13 A. It seemed like it started with one thing and then went
 14 to another thing and they were -- trying to rule out
 15 things. And again, I didn't follow it real closely so
 16 I don't -- I don't know.
 17 Q. Okay. But when it was all said and done, the last
 18 condition that she had been diagnosed with, that was
 19 narcolepsy, nothing else came up after that?
 20 MR. WARE: Well, if you know.
 21 A. I don't know.
 22 BY MR. WEAVER:
 23 Q. I know how to say you don't know if you don't know,
 24 right?
 25 A. Correct.

00018

1 Q. All right, thanks.
 2 MR. WARE: And I know how to ask him if he
 3 knows.
 4 MR. WEAVER: You can't do that. He -- you
 5 said at the very beginning of the deposition that he
 6 should n't answer a question if he doesn't know.
 7 MR. WARE: Then I'll just say objection and
 8 I'll ask it anyway, which I can do.
 9 MR. ROACH: Well, that's not an evidentiary
 10 objection --
 11 MR. WARE: Well, we won't determine that, the
 12 judge will determine that.
 13 MR. ROACH: -- evidentiary objection.
 14 MR. WARE: That's what I'm doing. Now, it's
 15 not for you to tell me whether it is or not. If I
 16 consider it an evidentiary objection, I'm going to
 17 make it and preserve it.
 18 MR. WEAVER: You didn't make an objection.
 19 You coached him before he answered.
 20 MR. WARE: I'm telling you I'll call an
 21 objection.
 22 MR. WEAVER: Then object.
 23 MR. WARE: That's what I'll do then. I mean,
 24 it depends on -- people do it differently. If you
 25 want to be formal, I'll just say objection.

00019

1 MR. WEAVER: Can you read back the last
 2 question and full answer, please?
 3 (The requested portion of the record was read
 4 by the reporter.)
 5 BY MR. WEAVER:
 6 Q. Okay. And you mentioned that it came -- there was a
 7 discussion at a board meeting. Are you referring to a
 8 board meeting that took place before the board met
 9 with Ms. Perich in February of 2004? In other words,
 10 was she at that meeting or was this at some meeting
 11 before?
 12 A. I don't remember the details of that. I know there
 13 were a couple of meetings that I attended and Ms.
 14 Perich was at -- was at one of them.
 15 Q. Okay. Do you -- can you tell me who shared with the
 16 board her diagnosis of narcolepsy?
 17 A. I would -- I don't know for sure. I would speculate

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18 Q. It was Mrs. Hoeft.

19 Okay. To the best of your understanding as a lay

20 person do you know what kind of condition that

21 narcolepsy involves or what kind of disorder it might

22 be?

23 MR. WARE: Objection. Calls for speculation.

24 BY MR. WEAVER:

25 Q. Go ahead, you can answer it just based on your

00020

1 understanding generally as a lay person.

2 A. My understand is that the person falls asleep at --

3 whenever and not -- not anything to do with lack of

4 sleep or whatever.

5 Q. Okay.

6 MARKED BY THE REPORTER

7 DEPOSITION EXHIBIT NUMBER 2

8 2:56 p.m.

9 BY MR. WEAVER:

10 Q. Okay. Mr. Pranschke, I'll just show you what's been

11 marked as Exhibit 2.

12 MR. WARE: As an objection can you show me

13 what you are showing him before you give it to him?

14 MR. WEAVER: Yeah. Sorry about that. Here.

15 MR. WARE: Thank you.

16 BY MR. WEAVER:

17 Q. First, have you seen this recently? For example,

18 before your deposition?

19 A. No, I did not.

20 Q. Okay.

21 A. Well, I have seen this before. Not recently.

22 Q. Okay. Do you think you may have seen it during the

23 EEOC's investigation process or anything like that?

24 A. No.

25 Q. Okay. And for the record, you are looking at meeting

00021

1 minutes from the shareholder meeting that occurred on

2 January 30th, 2005?

3 A. Yes.

4 Q. And just for clarification purposes, is the

5 shareholder meeting a congregational meeting?

6 A. Yes.

7 Q. Okay. That's just another terminology for it?

8 It's our -- it's our once a year meeting that is

9 supposed to resemble a shareholder meeting.

10 Q. Okay.

11 It is the one we typically talk about goals.

12 Q. And you can -- at this shareholder meeting do you also

13 maybe review any matters or issues regarding the

14 personnel of the church or the school?

15 A. We could -- we could issue calls at that time.

16 Q. Okay.

17 A. There might be reports from, you know, various bodies

18 talking about hiring situations and that kind of

19 thing.

20 Q. Okay. I want to just direct your attention to the

21 second page of Exhibit 2, item number 12, which starts

22 proposals concerning our disabled employees and then

23 in parentheses it says refer to attachment. And then

24 the following page there is a proposed policy list of

25 signatures of attendees and then it looks like what is

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9 we have had teachers ask for a release if their call

10 with the idea that they would become a contract

11 teacher. There are -- there are -- there are benefits

12 to being a call teacher. One of them is that you get

13 to have a portion of your -- of your salary designated

14 as a housing allowance and that housing allowance is

15 not taxed.

16 So if, you know, the teacher was making

17 \$30,000 and could -- could justify a housing allowance

18 of \$20,000, they would only be taxed on 10. But on

19 the flip side of that, then they are considered

20 self -- a self-employed individual as far as the IRS

21 is concerned and therefore they have to pay their own

22 Social Security tax and Medicare tax.

23 Q. Okay. And but -- in this particular -- with respect

24 to Ms. Perich, the -- the school was not seeking to

25 convert her from a call teacher to a contract teacher,

00025

1 was it?

2 A. No, it was not.

3 Q. And I'm going to go five bullet points down under the

4 alternative proposal that we're looking at in Exhibit

5 2 which states school administrator and school board

6 feels it is very unlikely Ms. Perich would be

7 physically capable to return to the classroom this

8 year or next year. And just for clarification

9 purposes, the school administrator would be Ms. Hoeft?

10 A. That's correct.

11 Q. And was -- were there meetings before the shareholder

12 meeting in which this consensus was discussed about

13 Ms. Perich's suitability to return?

14 A. I -- I assume so. I don't -- I -- I mean, I was at

15 meetings but I can't remember exactly the position of

16 when -- it seems that we would not have put this

17 proposal together without having, you know, been to

18 the school board meetings where this was discussed.

19 Q. Okay. And given your -- that you are part of the

20 group of people who are presenting this proposal, were

21 you involved in sharing this opinion that she wasn't

22 fit to come back in the school year -- in the current

23 school year or the following school year?

24 A. I was there. I don't know that I rendered an opinion.

25 Q. Okay.

00026

1 A. I did not have any interaction with Ms. Perich.

2 Q. Okay. But is it fair to say that given what's stated

3 here in Exhibit 2 that that was the position of the

4 board at that time?

5 A. Yes.

6 Q. And then the next point down it states it's important

7 to the school's operation that Ms. Perich ask for a

8 peaceful release from her call to facilitate a search

9 for replacement. Were you looking for a contract

10 employee to replace her or another called teacher?

11 A. I believe in the middle of the year it would most

12 likely be a contract teacher.

13 Q. Okay. And what about the following year?

14 A. I -- I have no idea what -- what the plan was. If

15 they were -- typically when they hire a contract

16 teacher, if that teacher is working out well, they

17 would continue that relationship.

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00022

1 headed options concerning medical benefits for Pastor

2 Eggers and Ms. Perich on the following page.

3 A. Yes.

4 Q. Do you see where I am?

5 A. Uh-huh.

6 Q. Okay. These last two pages, is it your understanding

7 that these last two pages are the attachments to the

8 meeting minutes?

9 A. Yes.

10 Q. Okay. Okay. And with respect to Ms. Perich and item

11 C, on page two it states option two is approved by a

12 majority vote 35 to 8. The timeline will be

13 established by the school board at their next meeting

14 in February. And I'm just going to go to the

15 attachment that refers to option two and I think

16 that's the last page.

17 A. Okay.

18 Q. Okay. Option two references a proposal presented by

19 yourself and Mr. Salo, chair of the school board and

20 Bob -- is it Cochran?

21 A. Cochran, yes.

22 A. Chair of the board of elders?

23 A. Yes.

24 Q. At that time did you have a proposal in writing at

25 this meeting?

00023

1 A. This is it.

2 Q. Okay. This is it, the attachment?

3 A. Correct.

4 Q. Okay. And tell me what was it that you were proposing

5 at this meeting with respect to Ms. Perich?

6 A. The proposal was to in -- in -- in return for premium

7 payments of her medical premium. It seems like that's

8 all. That in return for that, she would give peaceful

9 release from her call.

10 There are two ways typically that a call is

11 terminated. It's either a person who has been called

12 asks to be -- have peaceful release or this other

13 process that we talked about earlier where the

14 congregation would rescind a call.

15 Q. Okay.

16 A. But even with a peaceful release, the congregation has

17 to act and grant peaceful release.

18 Q. Okay. So in exchange for coverage of medical benefits

19 through the end of the calendar year, the proposal was

20 that Ms. Perich give a peaceful release of her call?

21 A. Correct.

22 Q. Is that essentially a resignation?

23 A. Pretty much, yes.

24 Q. And when a call teacher gives a peaceful release of

25 her call, it wouldn't be expected for her to -- him or

00024

1 her to return the following school year to that same

2 school?

3 A. MR. WARE: Objection, leading.

4 BY MR. WEAVER:

5 Q. Go ahead.

6 A. I'm sorry, am I supposed to answer or not?

7 Q. Yes, go ahead.

8 A. No, not always. Is that -- is that the situation --

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18 Q. Okay.

19 A. And -- but typically when they are looking for -- for

20 a replacement teacher they would attempt to do a call.

21 Q. But you guess -- okay. Given what's stated here

22 that it was not the intent -- the intent was not

23 for Ms. Perich to return the following school year?

24 A. That is correct.

25 Q. And what was the reason for this proposal being

00027

1 presented at the shareholder meeting?

2 A. Well, as stated in the last one we wanted to do a --

3 a -- have a replacement teacher.

4 Q. I understand that.

5 A. So we could continue --

6 Q. Okay.

7 A. -- with the operation of the school.

8 Q. Okay. Okay. Specifically why it was the -- to the

9 position of the board that she was physically

10 incapable to return?

11 A. Just the reports from doctors and -- and her own

12 personal e-mails and communication.

13 Q. So this determination was based in part on some of the

14 e-mail that may have been exchanged between Ms. Perich

15 and Ms. Hoeft?

16 A. I believe so, yes.

17 Q. And would those e-mail also -- well, let me back up a

18 minute. You also said that it was based on reports

19 from doctors. What physicians in particular are

20 you --

21 A. No, I'm not -- I'm not -- let me -- let me rephrase

22 that. It might -- it might have been just reports

23 from the doctors contained in the e-mails. I don't --

24 I don't remember for sure if we actually saw a

25 doctor's report or how the -- how the -- if Stacey was

00028

1 just reporting what she knew.

2 Q. And was -- when you say Stacey you mean Ms. Hoeft?

3 A. Ms. Hoeft, I'm sorry.

4 Q. Okay. Was she also reporting what she knew about Ms.

5 Perich having the condition of narcolepsy or passing

6 out or anything like that, was she sharing that

7 with --

8 A. She was sharing that, yes.

9 Q. Okay. But just so we're clear, you are not saying

10 this determination was made because you actually saw

11 any of Ms. Perich's medical records, it was just from

12 what was shared by Ms. Hoeft and those communications

13 with Ms. Perich?

14 A. I can't honestly remember what I -- what I saw.

15 Q. Okay. I guess I just -- you mentioned a minute ago

16 that you wanted to retract from saying that you saw

17 doctor's reports.

18 A. Yeah, I'm not positive that I saw doctor's reports.

19 Q. Okay.

20 A. So it may have been Mrs. Hoeft's report. Yeah, I

21 can't remember --

22 Q. Okay.

23 A. If I saw an actual doctor's report.

24 Q. Okay. You don't have a medical background, correct?

25 A. I do not.

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00029 1 Q. So you wouldn't be able to look at doctor's reports
2 and form a -- at least in part a determination if
3 she's physically capable of returning to work?
4 A. No.
5 Q. Okay. That's all I want to do is just make -- get
6 that clear. Have you seen -- did Ms. Hoeft share any
7 e-mail with you or the board between she and Ms.
8 Perich?
9 A. Yes.
10 Q. Okay. Did she give you copies of those e-mails?
11 A. I can't -- I can't remember for sure if -- if I
12 received a copy or -- I know it was discussed at the
13 school board.
14 Q. Okay, that's fair. But at least some of those e-mail
15 referenced Ms. Perich's condition?
16 A. Yes.
17 Q. Okay. You mentioned that the board met with Ms.
18 Perich. I'm going to represent to you that the
19 documents reflect, or at least -- why don't I just
20 help you out by showing you something.
21 MARKED BY THE REPORTER
22 DEPOSITION EXHIBIT NUMBER 3
23 3:17 p.m.
24 BY MR. WEAVER:
25 Q. Okay. Mr. Pranschke, I'm showing you what's been
00030 1 marked as Exhibit 3. And to the best of my
2 understanding that is a timeline of sorts prepared by
3 Stacey Hoeft during the EEOC investigation and
4 submitted to my agency while the investigation was
5 pending. I know it's pretty lengthy and I'm not going
6 to ask you about a lot of what's represented here, but
7 I want to, just so you are comfortable with this,
8 direct you to the fourth page and it's the largest
9 paragraph on the fourth page with a date of February
10 13th, 2005 as an entry.
11 A. Okay.
12 Q. And it states the school board president, Jim
13 Pranschke, and principal Stacey Hoeft met with Ms.
14 Perich to discuss her employment status. Does that
15 sound like the date that the meeting may have taken
16 place?
17 A. Yes.
18 Q. Okay.
19 MR. WARE: Well, I'm going to object to the
20 term the meeting because your line of questioning was
21 with regards to a meeting before the voter's meeting,
22 which occurred on January 30th. This meeting you are
23 referencing is dated February 13th.
24 MR. WEAVER: I'm actually on another topic.
25 I'm past the January 30th meeting.
00031 1 MR. WARE: Okay. Well, I'm just saying for
2 clarification, the meeting, I'm not exactly -- there
3 was a lot of meetings, so what I'm saying is the
4 question is vague as to the meeting.
5 MR. WEAVER: Okay. Even though I did mention
6 the date February 13th, 2005?
7 MR. WARE: I'm just saying this meeting,
8 that's different than the meeting.
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18 to return to the school the following school year? Or
19 ask to be allowed to return, let me rephrase that.
20 Again, I don't -- I don't remember the details of the
21 meeting. It states in here that she wanted to -- to
22 return.
23 Q. During this meeting did members of the board express
24 concern for -- concern as to whether or not she was
25 suitable for work as a teacher because of her
00034 1 narcolepsy?
2 A. I -- I don't remember that.
3 Q. Okay. Okay. So the way I -- if I understand your
4 testimony correctly, the -- she had not accepted the
5 board's offer and the board wanted her to consider --
6 to give it further consideration?
7 A. I believe that's true, yes.
8 Q. Okay. After the meeting that took place on February
9 13th, 2005, did you ever have a telephone conversation
10 with Ms. Perich further discussing the board's offer
11 or the board's request to receive a peaceful release
12 from her call?
13 A. I don't -- I don't remember.
14 Q. Okay.
15 A. We may have -- we may have talked, but I don't -- I
16 don't remember if I would have initiated that or if I
17 accepted a call from Cheryl.
18 Q. Well, let me throw another topic, another possible
19 topic of discussion. Did you ever have a telephone
20 conversation with Ms. Perich after the February 13th
21 meeting in which you suggested that she try to get her
22 disability status extended longer by her physician?
23 A. I don't -- I seem to remember having a phone
24 conversation with Ms. Perich. What -- what exactly
25 was the nature of it and, you know, what we discussed,
00035 1 I don't -- I don't remember.
2 Q. Okay. All right. And -- -- timing-wise I don't know
3 And, there again, I don't -- -- timing-wise I don't know
4 whether it was before the February 13th meeting,
5 after, or -- I don't remember any of the details of
6 when that was.
7 Q. Okay. At any time did you ever personally speak with
8 her and offer to get some monetary help for her or
9 some type of severance package in exchange for
10 peaceful release just in a conversation between the
11 two of you?
12 A. The only thing I remember is the -- the offer that was
13 made in the shareholder meeting. But again, I
14 don't -- I don't remember details of that phone
15 conversation.
16 Q. Was it brought to your attention after the February
17 13th meeting that Ms. Perich reported to work on
18 February 22nd, 2005?
19 A. I believe that she -- I don't know if that was the
20 date, but that she reported to work unannounced,
21 unexpected.
22 Q. Okay.
23 A. And created quite a disruption.
24 Q. Well, that was my -- actually my next topic. About
25 this disruption that you speak of, were you actually
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9 MR. WEAVER: Okay.
10 MR. WARE: Is that the date that this meeting
11 would have occurred.
12 MR. WEAVER: Okay. That's fair.
13 A. This actually is the meeting I believe in response to
14 the shareholder meeting on January 30th.
15 BY MR. WEAVER:
16 Q. Okay.
17 A. Then -- then Ms. Perich was -- was presented with the
18 outcome of -- of the congregation's decision.
19 Q. Right.
20 A. And was presented with, you know, if you would give us
21 your peaceful release in return, so that I believe
22 is -- is a response of that offer and discussion.
23 Q. And at this -- and at this meeting on February 13th,
24 2005, that offer was made to her?
25 A. No. I believe it -- I'm not positive, but I believe
00032 1 it would have been done prior to that.
2 Q. Okay.
3 A. And this would have been Ms. Perich's request to come
4 in and discuss, if I remember correctly.
5 Q. Okay. And during this meeting that the board had with
6 Ms. Perich, she presented a slip from her doctor
7 permitting her return to work?
8 A. I -- I don't remember that detail.
9 Q. I don't remember whether or not she had a release
10 from her doctor to return to work?
11 A. That is correct. I know that at some time, at some
12 stage of the -- of the -- that period she -- she did
13 present that, but I don't -- I don't remember that it
14 was at this meeting.
15 Q. Okay. Did she at this meeting verbally indicate that
16 she was medically cleared to return to work and wished
17 to do so?
18 A. I don't -- I don't remember that either.
19 Q. Okay. What was her response to the board's request
20 for a peaceful release of her call at that meeting?
21 A. I don't remember -- I don't remember that she -- it
22 doesn't state in here that she -- she rejected it.
23 Q. Right. Well --
24 A. So I don't remember that she rejected it, or I think
25 it was just, you know, go and think about it type of
00033 1 thing, so --
2 Q. What -- that --
3 A. The school board asked Cheryl -- they reiterated the
4 offer and that she should consider that.
5 Q. Okay. And she had not given an answer at that meeting
6 at any time?
7 A. I -- I don't remember.
8 Q. Okay. Well --
9 A. But, I mean, it seems from the verbiage here, it seems
10 like she did not accept the offer at the meeting, if
11 they were asking to have it -- have you reconsider it.
12 Q. Okay.
13 A. Whether she -- she rejected that offer, you know,
14 prior to this meeting and asked to, you know, address
15 the school board or whether she rejected it at this
16 meeting, I don't remember.
17 Q. Okay. During this meeting did Ms. Perich at least ask
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00036 1 present?
2 A. I was not.
3 Q. Okay. And so you have no personal knowledge as to
4 what actually happened?
5 A. That is correct.
6 Q. Okay. Who informed you or accused Ms. Perich of
7 causing a disruption by reporting to work on the --
8 that morning?
9 A. Primarily Mrs. Hoeft.
10 Q. Okay.
11 A. I don't know if I had heard it from the secretary as
12 well.
13 Q. And who was the secretary at the time?
14 A. Rosemary Reschke.
15 Q. Reschke?
16 A. Reschke.
17 Q. Before Ms. Perich reported to work that day, do you
18 know whether or not she and Ms. Hoeft ever had any
19 conversations about other things she could do besides
20 teach for the remainder of the school year, given that
21 her position was being assumed contractually by
22 someone else?
23 A. I seem to remember that -- that coming up in -- in
24 some context. I know -- well, I was going to say I
25 know that we would not have offered it because we are
00037 1 not in a financial situation to pay people for work
2 that is not needed. I'm not -- I don't know the
3 details of, you know, if, you know, how that -- how
4 that even came up to discuss on.
5 Q. Okay. And did Ms. Hoeft by chance share with you
6 whether or not -- and I understand you are, you know,
7 that may not have necessarily been offered by the
8 board, but did Ms. Hoeft by chance share with you
9 whether or not she made representations to Ms. Perich
10 that possibly there were other things that she could
11 do the remainder of the school year?
12 A. I don't remember that -- that detail. I remember it
13 being discussed whether there were other things.
14 Whether Ms. Perich brought it up or Mrs. Hoeft, I
15 don't know.
16 Q. Okay. Okay.
17 A. Is it possible we could just take a short break?
18 Q. This is a good point if there are no objections.
19 MR. ROACH: That's fine.
20 MR. WARE: That's fine.
21 (Off the record at 3:34 p.m.)
22 (Back on the record at 3:46 p.m.)
23 BY MR. WEAVER:
24 Q. We were talking about your knowledge regarding the
25 date or the incident involving Ms. Perich returning or
00038 1 trying to report to work and I asked you a few
2 questions about what you believe transpired and I
3 guess it's understood that you weren't there and you
4 have no knowledge of what actually happened?
5 A. That's correct.
6 Q. Okay. But then I started to ask you about certain
7 things, whether or not Ms. Hoeft shared with you what
8 was said and what was done. I want to know whether or
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 not Ms. Hoeft shared with you that Ms. Perich's rationale for coming to work that day was to make sure she wouldn't be viewed as a voluntary termination, did that come up at all?

MR. WARE: I'm going to object to hearsay, which I think you understand and that is evidentiary, but since this is a deposition, go ahead.
 I don't remember that being shared.

BY MR. WEAVER:

Q. Okay. I know you testified earlier that you don't recall whether or not Ms. Perich showed the board a note from her doctor clearing her return to work or verbally indicated that she was cleared to return to work, but nevertheless, I have to ask you this. If it turned out that Ms. Perich had been cleared to return to work, isn't there a provision in the handbook that states that if an employee does not return to work if

they are cleared that it could be viewed as a voluntary termination?

MR. WARE: Okay. I'm going to object as to if it turns out, which calls for a hypothetical.

MR. WEAVER: Hypothetical is perfectly legitimate as long as they lead to the discovery of relevant evidence.

MR. WARE: Okay. I'm going to object that the question calls for speculation as to if something is to happen if something else happened.

MR. WEAVER: Well, that's my same response.

BY MR. WEAVER:

Q. You can -- you can answer.

MR. WARE: Well, it calls for speculation,

so --

BY MR. WEAVER:

Q. You can answer.

MR. WARE: If you can, you can answer.

A. Okay. Would you restate the question?

BY MR. WEAVER:

Q. Sure. If it turns out that at the time Ms. Perich showed up to the school and made herself available for work, that she was actually medically cleared to return to work, given what's -- how do I say -- let me back up. If it turns out that she was actually

cleared to return to work and she made herself available to return to work, would that be expected to avoid being deemed as someone who effectuated a voluntary termination under the handbook?

A. Said a different way, if she was cleared to work and did not report to work, that would be deemed a voluntary termination.

Q. Okay.

Is that the gist of it?

Yes.

A. I don't know. I don't know what the handbook states specifically.

Q. Okay.

A. It seems reasonable that would be the case, but I -- I don't know what the handbook says.

Q. All right.

MR. WEAVER: Can you mark this please?

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 MARKED BY THE REPORTER
 DEPOSITION EXHIBIT NUMBER 4
 3:51 p.m.

BY MR. WEAVER:

Q. You've been handed what's been marked as Exhibit 4 and I just want to direct your attention to the third page of this particular section of the employee handbook pertaining to benefits. The third page covers medical

leave and in particular item number two at the top of the third page which states failure to return to work on the first day following the expiration of an approved leave of absence may be considered a voluntary termination. Usually --

A. I don't know that exactly addresses what your question was. I don't -- I mean, if a leave of absence was approved and there was a return date in that leave of absence, that's -- that might be what this is speaking to.

Q. All right. And isn't it often the case that a leave of absence would expire and a return date would be attained through medical clearance of that employee? That would -- that would be reasonable, but if -- if medical clearance was given it seemed that there would be -- there would be notification prior to just showing up and that it would be -- it would be worked out between the administration and the teacher that they are coming back to work.

Q. Okay.

A. And my understanding is that that did not happen. The school day had already started, we had a teacher in place and, and basically Ms. Perich showed up and said I'm here to work.

Q. And when you speak of notification, are you referring

to giving notification to the school that the employee has been medically cleared to come back?

A. That -- yeah, that would be the notification.

Q. But again, going back to your testimony, you couldn't offer or had no recollection as to whether or not she attempted to notify the board of her clearance to return to work when she met with the board, is that --

A. No, I don't. I don't know that.

Q. And do you know whether or not Ms. Perich sent an e-mail to Stacey Hoeft the day before informing Ms. Hoeft that she decided not to give a voluntary release of her call and that she'd come to work the next day? I'm not aware of that, no.

Q. Okay.

A. Although, let me think here. I seem to remember something about a late night e-mail that -- that was sent to the school along that regards.

Q. Okay.

A. I don't -- I mean, that's as much as I remember about it, but it was -- it was expressed to me that it was unexpected that -- when Cheryl arrived.

Q. All right. I want to jump back to the first exhibit I gave you really quick. If you'll look at Interrogatory No. 3, it was asking for the approximate number of employees that were, you know, employed in

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the years 2005 through 2007 and I got an answer for 2005, generally speaking. Can you shed some light on how many employees were working for Hosanna in 2006, both contract and call?

A. Why it may be unclear is that somewhere in this time frame we -- we started a day care and employees of the day care came for brief periods, they were there for, you know, a month or so.

Q. Okay.

So how many -- how many were exactly on the payroll, we'd need to look at payroll records to see how many.

Q. Okay.

A. And then -- well, obviously subs don't count, but anyways that -- and I'm not sure exactly when the day care started. It seems that fall of 2006 would be about right is when that -- is when our day care started. So, I mean, this information should be available. We have payroll records, so I don't -- I don't know why it wasn't provided.

Q. Okay.

A. And then we also had -- I mean, due to financial conditions where we're continually reducing -- reducing our teaching staff, combining classrooms. For the most part during this time we have had a pastor. It wasn't until late last year that -- that

we are without a pastor at all. And then teachers right now we have -- we have six -- six teachers -- actually we have -- we have seven teachers, one is not -- is not functioning full time as a teacher --

Q. Okay.

A. -- because we did not actually have a spot, so -- And right now teachers and staff included, how many people would you say you have employed?

Q. How many currently are employed?

Q. Yeah.

A. We have two custodial staff, part time custodial staff, three to six in the day care, again part time, two part time administrative staff, and then the seven teachers that I -- oh, and then our principal is -- is part time. We actually are sharing a principal with another Lutheran school. They have -- they have called him and we have -- we have made an arrangement with -- with that church to utilize his services on a part time basis.

Q. Okay. So --

A. So he's not -- he's not an employee and he's not -- he's not technically a contract employee either, he's more of a I don't know.

Q. Okay. So what I'm hearing -- so you can speak pretty much about what the current staff is made up of?

Q. Yes.

Q. In 2006 and in 2007 there was some fluctuation in -- in terms of how long people stayed, the duration of their employment?

A. Nineteen actually seems large to me for 2005 because we -- we maybe had nine teachers and a pastor, three in the administrative office. See, and again, people come and go so it might have been 19 that we paid over

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the course of the year.

Q. Right.

A. But not at any one time did we have -- I don't believe we had that many.

Q. Okay. But bottom line, the payroll records will clear that up?

A. Correct.

Q. Okay. Can you tell me whether or not Hosanna has implemented any personnel policies that prohibit or address discrimination in the workplace? Anything like that in the handbook or elsewhere?

A. The handbook is currently being reviewed, not too quickly, but it seems like we did make a change in the disability policy. Whether it -- it -- whether it had with discrimination, I'm not -- I'm not sure.

Q. Okay. All right. Have you trained the staff about any laws prohibiting disability discrimination in the

workplace or brought in a consultant --

A. --

Q. -- or trainer or anything?

A. I am -- I am not in the school. I don't -- I don't see what -- but I know that it was -- it was part of the agreement that we were, we're going to provide that training. I assume it -- it happened. I don't have firsthand knowledge.

Q. The agreement? What agreement?

A. There was somewhere in this process we --

Q. Oh, you mean the EEOC's conciliation agreement?

Yes.

Q. But you don't know if it has happened at this point?

A. I don't have firsthand knowledge, no.

Q. Okay. I'm going to stop here in the interest of time and I'll let Mr. Roach cover some things?

MR. ROACH: Okay. Very good. Thank you.

BY MR. ROACH: EXAMINATION

Q. Mr. Pranschke, as I introduced myself earlier, my name is Jeff Roach, the attorney for Cheryl Perich who has intervened in this lawsuit with the Equal Opportunity Commission. I have a few additional questions including some additional background questions. You mentioned earlier that you were a witness

in a Blue Cross Blue Shield case where you were called as a witness for deposition?

A. Yes.

Q. All right. Were you -- you were called as a witness, that's why you were being deposed?

A. I was deposed first and then yes, I gave testimony in a rate hearing.

Q. Okay. So the deposition was related to the rate hearing, right?

A. Correct.

Q. And that's what we're talking about, you were talking about administrator proceeding regarding rates?

A. As a company we file rates to the -- I refer to them as OES, let me think if I can remember the acronym. Office of Financial Insurance Services. It's the State of Michigan governmental agency. During that process -- I don't -- I don't know what you mean by

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 18 administrative --
 19 Q. Somebody within the state rather than within the
 20 court?
 21 A. Oh, yes.
 22 Q. So it was an administrative agency --
 23 A. It was an administrative agency, it was a rate hearing
 24 overseen by the Office of Insurance Services.
 25 Q. Basically Blue Cross Blue Shield wanted additional

00048
 1 rates or increase in rates --
 2 A. Correct.
 3 Q. -- and the state is deciding whether or not to allow
 4 that, right?
 5 A. Yeah.
 6 Q. Fair enough. What is your job with Blue Cross Blue
 7 Shield? What do you do?
 8 A. My title is director of actuarial services. I have
 9 three areas reporting to me, we do the annual
 10 statements, we do the -- we determine the actuarial
 11 liability for the annual statements, we do financial
 12 projections for the corporation, and we review the
 13 health care trends. Those are the three areas. I --
 14 Have you --
 15 A. I was involved in this rate hearing not in one of the
 16 jobs that I currently hold or one of the areas that
 17 currently reports to me. I was new to the company, I
 18 had some background in rate filings, I was asked to
 19 take on the individual rate filing, so I oversaw that
 20 process.
 21 Q. Have you been trained as an accountant?
 22 A. No.
 23 Q. You have a college degree, I take it?
 24 A. I do. In mathematics.
 25 Q. All right. I know Mr. Weaver asked you initially or

00049
 1 at the beginning of his questions as to whether or not
 2 you reviewed documents for purposes of this
 3 deposition. Do you recall that question?
 4 A. Yes.
 5 Q. Specifically what documents did you review for
 6 purposes of this deposition?
 7 A. There's documents that our legal staff gave me to
 8 prepare for the deposition that I gave in September.
 9 Basically it's what you should do to answer the
 10 questions, be -- I mean, the first one is be truthful,
 11 dress appropriately, you know, basically just kind of
 12 guidelines of what to expect and how to -- how to
 13 appropriately answer.
 14 Q. All right. Specifically you referred to your legal
 15 staff? What -- who is your -- or what is the legal
 16 staff?
 17 A. Oh, Blue Cross Blue Shield legal staff.
 18 Q. Okay. So you --
 19 A. Oh, it has nothing -- no, we have no legal staff.
 20 Q. For the deposition today -- and maybe I'm getting
 21 confused. For the deposition today, what documents
 22 did you look at for preparing for this deposition
 23 today?
 24 A. Just the information that Blue Cross Blue Shield's
 25 legal counsel gave me to prepare for the other

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 9 Q. Do you have any information as to who assisted with
 10 that information?
 11 A. No, I do not.
 12 Q. Have in the past any --
 13 A. Let me -- let me -- I may have had a phone
 14 conversation about specific questions like who -- who
 15 should be put in for -- for this. The one that I -- I
 16 kind of smiled at was number two, who is responsible
 17 or to provide testimony for financial condition. I
 18 don't -- I don't serve in any of the financial
 19 positions of our congregation, but I do put together
 20 the budget and I'm aware of our financial condition
 21 and somebody may have asked me should we put you in
 22 there or who should we put.
 23 Q. So I knew this was -- I knew this was going
 24 on. I believe -- again, I speculate that -- that a
 25 Mr. Cush was -- was leading that or might have been

00053
 1 the school board.
 2 Q. We have been -- we received these documents that were
 3 produced to Mr. Ware that's labeled Hosanna Tabor
 4 financial information.
 5 A. Ah, reminded me, yes, I did prepare.
 6 Q. Did you prepare these -- I assume it was in a computer
 7 program -- but this financial budget information?
 8 A. Yeah, this is my document. This is my document that I
 9 prepare for the budget.
 10 Q. Okay.
 11 A. This is a report from our financial secretary of the
 12 giving. I may have given this to Deano. I don't -- I
 13 don't remember.
 14 Q. What -- where do you get the information from for
 15 putting in these numbers? For instance, the plate?
 16 A. The financial information?
 17 Q. Yeah.
 18 A. Every Sunday the financial secretary and the counters
 19 count the money, put it into the -- into the bank,
 20 produce this report.
 21 Q. Okay.
 22 A. I mean, it's -- it's a weekly report that tallies
 23 this.
 24 Q. Two years ago, if you know, we -- well, first off,
 25 let's point to a different number here or a specific

00054
 1 number. On this document that refers to have a list
 2 of revenues where it says total receipts \$507,606 at
 3 the bottom?
 4 A. Yes.
 5 Q. Is that an accurate figure to your knowledge?
 6 A. Yes.
 7 Q. All right. Is that for last year?
 8 A. No. It would have been year to date October 2007. I
 9 mean, at least I -- that's the representation.
 10 Q. Based on when -- maybe we need to look -- well, here's
 11 some profit and loss statements from January through
 12 December 2006, maybe this will be helpful. What I'd
 13 like you to do is to look at these documents and
 14 compare the year 2006 to the prior year, 2005, as far
 15 as the amount of revenues.
 16 A. This is -- this is not revenue, this is expenses.
 17 Q. Okay.

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 00050
 1 deposition.
 2 Q. I see. I --
 3 A. It's just a general document about --
 4 Somebody gave you instructions before so you decided
 5 it'd be a good idea to look at those instructions for
 6 this?
 7 A. Yeah, what to expect, you know.
 8 Q. Fair enough. So you haven't looked at such things as
 9 the complaint or these meeting minutes or anything
 10 I like that that we've talked about today?
 11 A. About a month or so I met with -- with Deano and we
 12 reviewed --
 13 MR. WARE: Okay. He's only asking you what
 14 you reviewed to prepare for the deposition.
 15 A. Okay. I didn't -- I didn't review anything
 16 specifically for the deposition.
 17 BY MR. ROACH:
 18 Q. Okay. So that -- the review of documents, I don't
 19 want to ask about the conversations you had with Mr.
 20 Ware, but then as to that prior review of documents,
 21 that wasn't anything to do with this deposition today?
 22 A. In that meeting I learned that depositions were going
 23 to be -- going to be had.
 24 Q. Do you recall what documents for the purposes of that
 25 may be?

00051
 1 A. There was one having to do with our offer. And off
 2 hand I was trying to remember -- we had a budget
 3 meeting earlier in the week, Monday, and for that I
 4 was trying to remember, you know, what even the offer
 5 was. I could not put my hands on that document. But
 6 anyways, he -- Deano shared with me the offer with the
 7 question --
 8 MR. WARE: Well, don't tell --
 9 THE WITNESS: All right.
 10 MR. WARE: -- what my question.
 11 THE WITNESS: I'm sorry.
 12 MR. WARE: Just the document, he just wants
 13 to know the documents.
 14 THE WITNESS: All right.
 15 A. I don't recall any other documents that I -- that I
 16 got.
 17 BY MR. ROACH:
 18 Q. Are you aware of the fact that some documents have
 19 been produced to the EEOC and to my office as well
 20 regarding this case through Mr. Ware?
 21 A. Yes.
 22 Q. Did you assist at all in putting together those
 23 documents?
 24 A. No, I did not.
 25 Q. Did you ask anybody within the church or the school to

00052
 1 gather up documents?
 2 A. No, I did not.
 3 Q. Do you know who was designated to gather documents?
 4 A. No, I don't.
 5 Q. Same question as to the interrogatory answers that we
 6 looked at earlier in the deposition today that's been
 7 marked as Exhibit 1, did you assist at all with the --
 8 A. No. I've never seen that. I did not assist.
 9 Page 22

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 18 A. Okay. So in 2006 the annual number was 504,000 of
 19 which we borrowed 25,000 and then these others -- we
 20 really have two pieces of our receipts. We have money
 21 that is brought into -- to support the operation of
 22 the church which includes the -- the weekly
 23 contributions by our members plus the tuition plus
 24 other giving that is deemed for budget purposes. Then
 25 we have other things that are more or less

00055
 1 pass-through items. People are contributing towards a
 2 specific -- a specific non-budget item. Our school
 3 chapel, for instance, it goes to -- to a mission. So
 4 we collect the school chapel from the school children,
 5 it goes through our books, but it goes out to a
 6 mission.
 7 Q. Do you recall my question?
 8 A. Oh, you wanted me to compare --
 9 Q. 2006 and 2005.
 10 A. I don't have a total for 2007.
 11 Q. Actually 2005. Do you recall whether or not there
 12 is -- you received more money in 2006 than you had --
 13 than the church had in 2005 or vice versa?
 14 A. Generally our receipts are going down each year, so
 15 did we receive more in 2007 -- I mean in 2005 than we
 16 received in 2006, I don't specifically remember that,
 17 but I would -- I would think that it -- we are
 18 receiving less now.
 19 Q. Okay. 2007 though was better than, as far as revenues
 20 go, than 2006, right?
 21 A. No, that is not true.
 22 Q. Let's look at 2006.
 23 A. If it includes the borrowing -- in 2007 we borrowed
 24 \$121,000 --
 25 Q. Oh, is that right?

00056
 1 -- to stay afloat.
 2 Q. Okay.
 3 A. And we're planning to borrow almost -- not almost
 4 that, but another 70,000 in this next fiscal year.
 5 Q. Is there any financial support from any other entity
 6 other than church members?
 7 A. No. Well, tuition. I'm sorry.
 8 Q. Tuition?
 9 A. Tuition from members and non-members, whoever sends
 10 their children to the school. Day care, we have
 11 income from day care --
 12 Q. All right.
 13 A. -- aftercare, latchkey. These are our basic -- okay,
 14 I take back. We do participate in a program that is
 15 sponsored by an insurance company, Thrivent. I don't
 16 even know their correct title, Thrivent Financial
 17 Services? I don't know, but anyways, they have a
 18 program -- they have a program that will -- will in
 19 some ways support Lutheran schools, but it is -- it is
 20 based on contributions to the school by their
 21 membership, Thrivent's membership, and they'll match
 22 half of that up to \$300. I know that was all
 23 confusing. But basically it's a program. They are --
 24 they are a fraternal organization and part of their
 25 charter is to support Lutheran causes.

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00057 1 Q. Okay. So they -- and you said it was perhaps \$300
2 for, what, last year?
3 A. No, for a member.
4 Q. For a member.
5 A. We actually got about \$12,000 last year from that
6 program.
7 Q. Do you get any funds from the senate?
8 A. No.
9 Q. Does the church get anything from the Michigan
10 District of the senate?
11 A. No. The only support we get from them is in an
12 advisory capacity. They allow their staff to help us
13 with programs, advice and that kind of thing. We are
14 just working with an advisor from district that helped
15 us put together our mission and vision and goal
16 statements for the year --
17 Q. I want to get --
18 A. -- no, we have no money.
19 Q. I want to get more in depth into that, but right now I
20 was just asking about money. Jumping to a different
21 topic, so we're not both getting confused. To your
22 knowledge has any claim, charge or any other demand or
23 lawsuit, whatever the case may be, that has been filed
24 or sent to the church regarding an employment issue?
25 That was probably a convoluted question. I can
rephrase if you like.
00058 1 I -- I can't -- I can't recall any -- any other
2 claims.
3 Q. All right. Then let's just take it a level down. Has
4 anybody who is employed or associated with the church
5 or the school who have complained about discrimination
6 or civil rights issues?
7 A. No, not that I'm aware of.
8 Q. Just to clarify, I think you told us about voters?
9 Correct.
10 Q. Voters is, what, a subclass of congregation members?
11 Correct.
12 Q. You've repeatedly stated in your testimony that a
13 decision was being put up to vote --
14 Correct.
15 Q. -- by the congregation. That's not quite accurate, is
16 it? Because really what you are asking about is the
17 voters to vote on the particular issues; is that
18 right?
19 That's correct. Just terminology. That -- every
20 adult member is eligible to be a voter. So you say
21 you put it out to the congregation, every one in the
22 congregation is eligible to come and participate.
23 Q. To become a voter?
24 A. To become a voter.
00059 1 All right. Before you -- if I, for instance, joined
2 the church, I would have to, in essence, apply for and
3 get approved to act as a voter, correct?
4 A. No. It's easier than -- you come to a meeting and we
5 accept you.
6 Q. All right.
7 A. So it's basically the first part of every one of our
8 regular congregational meetings, are there any new
Page 25

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9 members, are there any new participants, and if so, we
10 accept them as voting members.
11 Q. Why would you have the difference? Why is there a
12 difference between just asking everybody in the
13 congregation to vote?
14 A. I think the difference is that if it's a special
15 meeting and there is a particular topic that's going
16 to be discussed, that people who have had no interest
17 in the past would -- would come and -- and sway the
18 vote one way or the other. I think that -- I don't --
19 I didn't write the constitution. I was -- I was in
20 office when we -- when we did the -- when we did our
21 new constitution.
22 Q. Okay. On April 10th, 2005, there was a meeting of the
23 voters regarding Mrs. Perich's call, correct?
24 A. I believe that was the date. I don't --
25 Q. Did you understand that Mrs. Hoeft had called
particular voters to attend that meeting?
1 A. I did not know that, no.
2 Q. Do you have any knowledge whatsoever as to how notice
3 was provided as to this meeting taking place?
4 A. We are required to give -- it has to be in the worship
5 service that a special meeting is being called, so
6 that is the only requirement as far as notice of a
7 special meeting.
8 Q. In the past has the congregation or the voters ever
9 voted on rescinding a call? An involuntary rescinding
10 of a call?
11 A. Not that I remember, no.
12 Q. And you've been there how long?
13 A. I've not -- I've not been in that type of a position.
14 I've been president maybe 10, 12 years.
15 Q. You were in what position before that time?
16 A. I was -- I'm trying to remember the sequence of
17 events. I was head of the stewardship board prior to
18 that for maybe four years maybe. I was an elder
19 before that.
20 Q. Okay.
21 A. So --
22 Q. So the -- the --
23 A. I don't remember; since I've been --
24 Determination?
00061 1 -- since I've been out of college, which is 30 some
2 years, I don't remember a rescinding at all.
3 Q. Or, in essence, firing somebody?
4 MR. WARE: I'm going to object as to --
5 BY MR. ROACH:
6 Q. You can answer. I'm going to object as to the --
7 what's the word I'm looking -- as to the --
8 characterization of --
9 MR. ROACH: I think firing is a --
10 A. Typically -- typically what happens is a discussion is
11 to -- to get a peaceful release, if it is a call
12 position. We have done that. There have been --
13 there have been occasions where we have -- we have
14 asked for a peaceful release and it was granted.
15 Contract teachers, I think -- I don't know whether
16 we've -- I think the contract goes for a year or
17 Page 26

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18 whatever and I think we've decided not to renew
19 contracts.
20 BY MR. ROACH:
21 Q. Going back to my question, when the voter group, as
22 recommended by the board of directors, decides to
23 rescind a call, rescind a call, in essence, this
24 employee is being fired, correct, versus employment is
25 being terminated involuntarily?
00062 1 A. Yeah, that's probably fair.
2 Q. Okay. As to these voters meetings -- well, actually
3 we only know of one now -- regarding this Ms. Perich,
4 the vote to terminate her employment, who determined
5 who get to -- who was able to vote?
6 A. People -- people sign in to the -- to the assembly and
7 we don't, you know, we don't validate, you know, are
8 they -- are they a member or whatever.
9 Q. To your knowledge do some of those people who attended
10 have not been there for awhile as far as attending the
11 church?
12 A. Oh, I have -- I have no idea.
13 Q. Okay.
14 A. We -- we do have meetings that get more attention than
15 others.
16 Q. Through Mr. Ware's office we received several meeting
17 minutes, copies of meeting minutes. I believe there
18 is the January 30th, 2005 shareholder meeting and also
19 the minutes for the April 10th, 2005 meeting regarding
20 the voters, correct?
21 A. Uh-huh.
22 Q. Do you know the documents I'm talking about, those
23 minute --
24 A. I -- I have not reviewed them. I know that they
25 exist.
00063 1 I believe we looked at one of those.
2 A. We looked at the January --
3 Q. All right. Are there any other meeting minutes to
4 your knowledge that were drafted or prepared or any
5 other notes regarding meetings that -- in which Mrs.
6 Perich was discussed?
7 A. I -- I assume there are school board minutes, but I --
8 I don't get copies of those.
9 Q. All right. So if we want to see what was taking place
10 in these meetings, the school board meetings, we would
11 need to look at those school board meeting minutes
12 then, correct?
13 A. Yes.
14 Q. Who do we look for? I mean, who has those meeting
15 minutes?
16 A. I don't know. We just -- we just changed chair people
17 or chairperson. I -- I don't know where they -- where
18 they reside.
19 Q. Okay. You were involved, at least to some extent,
20 regarding Ms. Perich's employment, correct?
21 A. I assume I presided over the meeting when we called
22 Mrs. Perich, although there have been times when
23 I haven't been able to be at a meeting. I was at
24 several school board meetings when that was discussed.
25 Q. And --
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00064 1 A. And I was at the two congregational meetings where it
2 was discussed.
3 Q. And you were asked also asked to meet with Mrs. Perich
4 with Mr. Salo prior to the February 13, 2005 meeting,
5 correct?
6 A. I don't -- I don't remember that meeting.
7 Q. Did you ever write down any notes as to what happened?
8 A. I may have.
9 Q. Do you have those notes?
10 A. Oh, my gosh. My organizational skills are not real
11 well.
12 Q. Well, we're going to be --
13 A. I may --
14 Q. We'll request those documents so if they do exist
15 we'll request copies of those just to give you a heads
16 up. In addition, do you use e-mail?
17 A. I do.
18 Q. Have you printed out e-mails in the past or keep
19 e-mails regarding certain subjects on your computer?
20 A. My -- my e-mails from home I could review to see
21 what -- what is there. Most things I got, I got at my
22 workplace.
23 Q. Okay.
24 A. And I am no longer at the -- at the firm I was at the
25 time that this was going on, so I don't have those
e-mails.
00065 1 Q. Okay. I guess I got lost. At your prior firm?
2 A. Yes.
3 Q. Not at Blue Cross Blue Shield?
4 A. No. I've been at Blue Cross two years.
5 Q. Okay. What did you -- where were you employed before
6 that?
7 A. Gabrielle Roeder Smith & Company.
8 Q. Is there an internal e-mail communication system
9 within the church and/or the school?
10 A. All the -- all the teachers have an e-mail address, so
11 does the school's internal --
12 Q. But do you know whether or not e-mails are saved?
13 A. I have no idea.
14 Q. Any back ups?
15 A. I -- I do not know that.
16 Q. Who would we talk to about asking that? Who takes
17 care of the communication system?
18 A. Richard Somerset is the one that does most of our
19 computer -- computer work.
20 Q. He's a member?
21 A. He's a -- his children are in the school.
22 Q. Somerset?
23 A. Set.
24 Q. Somerset?
00066 1 S-u-m-m-e-r-s-e-t-t maybe. I don't know.
2 Q. Okay. If you look at Exhibit 2, Mr. Weaver was asking
3 you about some of the attachments. The third page
4 it's labeled or entitled Hosanna Tabor disability
5 policy.
6 A. Oh, okay.
7 Q. And this was attached to those meeting minutes and was
8 discussed during this meeting on January 30th, 2005,
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9 correct?
 10 A. I -- I assume it was.
 11 Q. Okay. Well, if you look at the page before, going to
 12 item number 11 where it says report on revised
 13 disability policy, refer to attachment, Jim Pranschke,
 14 that's you, right?
 15 A. Yep.
 16 Q. All right. Reviewed the policy with attendees?
 17 A. Yes.
 18 Q. Are you referring to this?
 19 A. Yes.
 20 Q. Other thing?
 21 A. Yes.
 22 Q. Is this a new or revised policy?
 23 A. It would be a revised policy.
 24 Q. Why is it being changed, to limit the amount of time a
 25 person would be able to obtain a disability,

00067
 1 compensation or payments?
 2 A. Right off hand, I can't -- I can't remember what --
 3 what the change was in this.
 4 Q. Do you have a copy of the prior policy?
 5 A. I may.
 6 Q. Okay. Looking at Exhibit 2 again, first page, it says
 7 in item No. 9, it says request from Jim Hoeft to
 8 change call to a contract, Jim Pranschke, letter
 9 submitted by Jim Hoeft attached and I don't remember
 10 seeing anything attached. And it says unanimous vote
 11 to accept Jim Hoeft's request to be a contract
 12 teacher. Is that accurate, what's written in there?
 13 A. Yes.
 14 Q. Jim Hoeft is Stacey Hoeft's husband, son?
 15 Relationship?
 16 Brother-in-law.
 17 Q. Brother-in-law, all right. So Jim Hoeft was a call
 18 teacher?
 19 A. Correct.
 20 Q. Why is there being a change as to Mr. Hoeft's status?
 21 A. It was advantageous to him not to have to pay his
 22 Social Security tax.
 23 Q. All right. Prior to this meeting date did you know --
 24 or actually going back to December the year before,
 25 isn't it to your knowledge that Ms. Hoeft was told by

00068
 1 Ms. Perich that she was going to be able to return to
 2 work within two months?
 3 MR. WARE: Objection, hearsay. You can
 4 answer if you want to.
 5 A. My recollection of the discussion was that often Ms.
 6 Perich gave the information that she was going to be
 7 returning to work shortly. Shortly came and she did
 8 not return. Then another date was given, another
 9 diagnosis, another -- and it seemed like it was very
 10 uncertain that the information we were getting was --
 11 was correct or could be relied on.
 12 BY MR. ROACH:
 13 Q. Does that mean that you were told that Ms. Perich
 14 would be able to return to work within two months back
 15 in December of 2006?
 16 A. I don't remember that specifically. I remember that
 17 in the conversation of -- in that school board meeting
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18 it was clear that -- that we really had no clear idea
 19 of when, if ever, Ms. Perich would be able to return
 20 to work.
 21 Q. But isn't it true that Ms. Perich told you I believe
 22 within three days before the January 30th meeting that
 23 she was, in fact, going to be able to return to work
 24 in approximately two to three weeks?
 25 MR. WARE: I'm going to object as to the form

00069
 1 of the question. When you say you, are you referring
 2 to somebody at the organization or him personally?
 3 MR. ROACH: The organization.
 4 BY MR. ROACH:
 5 Q. That somebody told you that Ms. Perich informed Ms.
 6 Hoeft that Ms. Perich will be able to return to work
 7 within two to three weeks later? Isn't that correct?
 8 A. I don't -- I don't remember that specifically, no.
 9 Q. When you say specifically, I just want to make sure we
 10 have everything covered. Who told you at least right
 11 before this meeting as to what her status would be as
 12 far as returning to work?
 13 A. I didn't -- I don't know that I knew what her status
 14 was prior to this meeting.
 15 Q. Wouldn't you want to know what her status is before
 16 you make decisions or make recommendations as to what
 17 should happen with her disability leave?
 18 A. No. We had talked about it at the school board
 19 meeting that the information that was being provided
 20 was unreliable, that it was -- it was said we're going
 21 to return to work, she would return to work in a
 22 month, in two weeks, you know, and it varied.
 23 Q. All right. So basically --
 24 A. And the diagnosis changed and -- and the treatment
 25 changed and there was always new treatment and a new

00070
 1 hope and information that they were going to -- she
 2 was going to return to work. She did not.
 3 All right.
 4 A. And so it was -- it was very unreliable.
 5 All right.
 6 A. So even if she did provide that information, it would
 7 have been deemed unreliable.
 8 Q. In other words, if even if she told Ms. Hoeft that she
 9 was going to return to work in two or three weeks,
 10 nobody believed it? You didn't believe her?
 11 A. I don't know that it was provided, so I don't --
 12 Q. All right. Have you ever discussed -- have you ever
 13 talked with Bruce Braun?
 14 A. Never specifically about this. I may have had a
 15 conversation. He took over for George Locke. I
 16 always get in trouble with these time frames because
 17 it's always longer ago than I thought, but within the
 18 last two years I think I may have talked to him
 19 briefly at some kind of gathering, but never in an
 20 official capacity I don't think I've ever talked to
 21 Bruce.
 22 Q. To your knowledge has anyone from the school or the
 23 church had discussions with Bruce Braun regarding Ms.
 24 Perich?
 25 A. I don't know that for sure.

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00071
 1 Q. Do you know why draft letters to Ms. Perich are in the
 2 Michigan District's files?
 3 A. No, I do not.
 4 Q. Is there any reason why Stacey Hoeft would be having
 5 conversations with Bruce Braun at Michigan District
 6 regarding Cheryl Perich?
 7 A. We would -- we at times do offer their -- I mean, I
 8 mentioned that before that we get advice from our
 9 district office.
 10 Q. Okay. Maybe now we're getting somewhere. So the --
 11 the church does get advice from the Michigan District?
 12 A. When we request, yes.
 13 Q. All right. Regarding human resource issues?
 14 A. I --
 15 Q. Personnel issues?
 16 A. I don't know what specifically we've asked. I know
 17 specifically we used district resources with our
 18 vision and mission and goals.
 19 Q. So why -- what right or how would you get assistance
 20 from Michigan District?
 21 A. Call and ask.
 22 Q. How is that available to the church?
 23 A. We're all part of the same -- same senate, that's
 24 services they offer to congregations in the Michigan.
 25 Q. Does the church pay dues or fees to the Michigan

00072
 1 District?
 2 A. We give -- we give contributions to them. It is
 3 not -- it is not a hard and fast contribution. I
 4 mean, it's not -- it's not dues, per se.
 5 Q. Okay.
 6 A. It's similar to what our members -- our members give a
 7 donation when they come to church on Sunday and we in
 8 turn take a portion of that and send it to district.
 9 district in turns takes a portion of what they receive
 10 and sends it to senate. That's how -- that's how the
 11 organizations are supported.
 12 Q. I believe Mr. Weaver asked you about a school board
 13 meeting on February 13th, 2005 regarding Ms. Perich,
 14 correct?
 15 A. Uh-huh.
 16 Q. All right. And this was a school board meeting,
 17 right, on February 13th, 2005?
 18 A. I believe so, yes.
 19 Q. So the people who would be there would be, in addition
 20 to yourself, there'd be Kurt Ostrander?
 21 A. I have no idea who was at that meeting. Not
 22 everybody --
 23 Q. Sheila Simpson?
 24 A. Not everybody attends those meetings.
 25 Q. Stacey Hoeft you don't have a clue --

00073
 1 MR. WARE: Objection, asked and answered.
 2 BY MR. ROACH:
 3 Q. Ms. Stacey Hoeft, was she there?
 4 A. I believe she was there, yes.
 5 Q. Do you have any recollection as to how big the meeting
 6 was, who was allowed to attend?
 7 A. No. I know that Mr. Salo was there and Mrs. Hoeft.
 8 Other than that, I would -- I would just be
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9 speculating who else was there.
 10 Q. Do you recall that someone asked whether Ellen Mills
 11 would be able to attend even though she's not a member
 12 of the school board and you were -- you responded
 13 that she would not be allowed to attend. Do you
 14 recall that?
 15 A. I remember reading that in the -- in this document. I
 16 seem to have a recollection of that request being
 17 made.
 18 Q. By you?
 19 A. By -- by me?
 20 Q. Yeah.
 21 A. That I requested that Ellen --
 22 Q. That Ellen Mills would not be allowed to attend.
 23 A. MS. PERICH: It wasn't requested by him, it
 24 was requested to him.
 25 A. That seems reasonable that I would have decided that.

00074
 1 BY MR. ROACH:
 2 Q. Okay. Do you recall some of the other -- some of the
 3 comments that were made during that meeting by the
 4 school members regarding whether or not Ms. Perich
 5 would be able to return to work notwithstanding what
 6 her doctor said through the doctors -- her doctor's
 7 return to work slip, correct? Do you recall those
 8 comments?
 9 A. I don't recall specific comments.
 10 Q. Well, let's bounce a couple off of you. Do you recall
 11 Stacey saying that she didn't understand how -- how
 12 Ms. Perich could be responsible for a classroom of
 13 children when she wasn't even allowed to drive?
 14 A. I remember hearing that comment. I don't know if it
 15 was at that meeting.
 16 Q. Okay. Do you remember the comment that -- with Sheila
 17 saying I have a medical background and I know that you
 18 have to be without symptoms for at least three months
 19 before you can be sure that the medicine is working
 20 well enough to know that you won't have symptoms
 21 again. You can be in front of those children and pass
 22 out, that would scare them. Do you recall that
 23 comment?
 24 A. I remember that comment. I don't know, again, whether
 25 it was in that meeting. I have -- I mean, I have

00075
 1 conversations with all these people at -- many times.
 2 Isn't it true that during the course of this school
 3 board meeting that Ms. Perich wanted to return to work
 4 and was passing -- passing out copies of the return to
 5 work and saying that she will be allowed to return to
 6 work without restrictions?
 7 A. I don't remember the details of all that. I know that
 8 she did express a desire to return to work.
 9 Q. All right. Did you review the letter that was sent to
 10 Ms. Perich later saying that the board of directors is
 11 going to recommend to the church the termination of
 12 her employment?
 13 A. I have read it. I don't think I -- I reviewed it
 14 before it went out.
 15 Q. Did any -- was anybody -- was it necessary -- let me
 16 strike -- start over. Was it necessary for anyone to
 17 approve this letter before it was being sent out?
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18 A. I think it was discussed at a school board meeting
19 that I was in attendance, that that meeting -- that
20 letter was to be drafted and sent out.
21 Q. So there should be minutes for that meeting, right?
22 A. I'm assuming so, yes.
23 Q. Okay.
24 MR. ROACH: Let's go ahead and mark that for
25 me, please.

00076

1 MARKED BY THE REPORTER
2 DEPOSITION EXHIBIT NUMBER 5
3 4:49 p.m.
4 (Off the record at 4:49 p.m.)
5 (Back on the record at 5:12 p.m.)
6 BY MR. ROACH:
7 Q. I believe where we left off was with this letter
8 that's been marked as Exhibit 5. And I can't remember
9 specifically where we left it but let me go at it
10 anyway. Did you review this letter before it was
11 being sent to Ms. Perich?
12 A. I was involved in the conversation that this was going
13 to be drafted, but --
14 Q. All right.
15 A. -- no, I did not review this.
16 Q. Do you see anything in this letter that is not
17 accurate?
18 A. No.
19 Q. As of the January 30th, 2005 shareholder meeting,
20 there had not -- the church had not hired a
21 replacement for Ms. Perich yet, correct?
22 A. I don't know that. I -- I -- my recollection was that
23 there was someone going to take over when -- when
24 the -- the holiday break was over.
25 Q. Okay. Well, up to -- at some point at least there was
no replacement or substitute that was hired, correct?
1 A. Yes. It was anticipated that Ms. Perich was going to
2 return.
3 Q. All right. I believe, if we look at the January 30th,
4 2005 meeting minutes, we look at the last page, number
5 two, the last -- the bullet point?
6 A. Uh-huh.
7 Q. It states it is important to the school's operation
8 that Ms. Perich ask for people (sic) release from her
9 call to facilitate the search for a replacement. Do
10 you read that to understand that Mrs. Replacement
11 (sic) had not been hired to re --
12 A. That -- that seems to imply that.
13 Q. Okay.
14 A. I don't remember those facts exactly.
15 Q. Is it true that a recent graduate from Concordia was
16 hired?
17 A. Oh, I have no idea who was hired. That was a long
18 time ago.
19 Q. So you have no clue as to --
20 A. I do not know, no.
21 Q. So you don't know whether or not the person they hired
22 was a called or a contract employee as opposed to a
23 call employee?
24 A. I'm fairly confident we would have had a contract.

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9 give some monetary if she would give a peaceful
10 release. In other words, we would -- we would
11 increase the offer that we had -- had made.
12 Q. But that an increase in the offer or making it more
13 generous, whatever the case may be, it was never put
14 into writing after that date?
15 A. I don't believe so, no.
16 Q. This peaceful release, why is it called a peaceful
17 release?
18 A. Because it is contrasted to rescinding a call.
19 Q. Peaceful means it's voluntary?
20 A. Yes.
21 Q. All right. Is there -- of course it's never happened
22 before, so --
23 A. Oh no, peaceful releases are done all the time. If
24 a -- if a teacher would accept a call to another
25 congregation or a pastor --

00081

1 Q. Okay.
2 A. -- they would -- they would request a peaceful release
3 from their call to Hosanna Tabor.
4 Q. All right. Is there any documentation, like those
5 with -- for peaceful release?
6 A. Typically I think they would send a letter to request
7 that.
8 Q. So just basically means I resign?
9 A. No. I request a peaceful release from my call is what
10 it would say.
11 Q. I understand, but is it the equivalent of saying I
12 quit or I resign?
13 A. No, because it's a call, it's a relationship between a
14 congregation and a -- and a member or a servant, so
15 it's not -- I guess in the -- in the secular world,
16 yeah, it would be a resignation.
17 Q. Okay. So on April 10th, 2005 there was a vote taken
18 by the congregation to terminate Ms. Perich's
19 employment, correct?
20 A. To rescind her call, yes.
21 Q. Which is the equivalent of termination, right?
22 Q. MR. WARE: Okay. I'm going to object to
23 argumentative because you keep doing the same thing.
24 Every time he answers a question you recharacterize
25 his answer. That's argumentative.

00082

1 MR. ROACH: I'll take the answer over the
2 objection.
3 BY MR. ROACH:
4 Q. That's the same thing as voting for the termination?
5 A. Rescinding the call is, again, severing the
6 relationship that we have with this called servant.
7 Q. All right. And her employment has been terminated,
8 correct?
9 A. But she hadn't been working anyways, but, yes.
10 Q. Did you recommend to the voters that she be fired?
11 MR. WARE: Objection, facts not in evidence.
12 There was no recommendation that she be fired.
13 MR. ROACH: I'll take the answer over the
14 objection.
15 A. I presented the -- the recommendation from the board
16 of directors. It might have been the school board, I
17 don't remember which.

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00078

1 Q. All right. And when you called those folks as being
2 contract employees, is there in fact a contract with
3 these people? The hires?
4 A. That would make sense, wouldn't it? I don't know that
5 for sure. I don't know if -- if there is a formal
6 document. Again, I assume there is.
7 Q. Does the school or the church have personnel files?
8 A. I believe so, yes.
9 Q. All right. So if we wanted to find or obtain the
10 personnel file for this employee that was hired in
11 January or February or April, whatever the case may be
12 in 2005, we'd get that personnel file and see who it
13 is and a copy of the contract and all that?
14 A. I would imagine. I've never seen what the contents of
15 a personnel file is. I've had no reason to review any
16 contract or personnel files.
17 Q. I'll recall your testimony -- and it went for a
18 little while and maybe I was a little confused at the
19 end -- Mr. Weaver ask asked you about a conversation
20 you may have had with Ms. Perich after that -- the
21 time she returned to work on February 22nd, 2005,
22 correct?
23 A. He asked me about a conversation --
24 Q. Actually, let's strike that. Not -- after the
25 February 13th, school board meeting.

00079

1 A. I believe I said I didn't know when the meeting --
2 when call was.
3 Q. All right.
4 A. And -- and I'm not -- I mean, the more we talk about
5 it I think it did occur, but I don't remember.
6 Q. Well, maybe we can refresh your recollection as to the
7 substance of that conversation. Did you in fact
8 discuss with her about Ms. Perich going back to her
9 doctor and asking the doctor to put her on disability?
10 A. Did I initiate this, call or did -- did Ms. Perich?
11 Q. As I understand it you did, but I'm not certain.
12 A. Okay. I don't -- I don't remember the detail of that.
13 Q. Okay. Well, even if you don't remember the detail, so
14 to speak, did you have a conversation with Mrs. Perich
15 about her going back to her doctor and getting the
16 doctors to change the records so that she is not
17 eligible to return to work so she can receive --
18 A. Oh, no. I would have never sent a doctor to return to
19 work.
20 Q. Huh?
21 A. I would have never said to change the record that she
22 would not be eligible to return to work. That would
23 not have been a discussion.
24 Q. Well, what discussion would it have been?
25 A. I don't -- I don't recollect asking her to go talk to
her doctor at all.
1 Q. Didn't you say that -- you told her to call the doctor
2 and ask him about it, if he stayed with that date, the
3 return to date and won't change it. I'll ask the
4 congregation to give you some monetary help if you ask
5 for a peaceful release?
6 A. I don't remember anything about asking her to talk to
7 her doctor. I do remember saying that we would try to
8

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18 BY MR. ROACH:
19 Q. So it wasn't your recommendation that you were
20 presenting, it was the board of director's
21 recommendations?
22 A. I'm a member of the board of directors.
23 Q. All right.
24 A. No, it was not my personal recommendation.
25 Q. All right. Was that -- so there was a decision made
of which you were a part of to --

00083

1 A. And I -- again, I don't remember -- I don't remember
2 whether it was the board of directors that brought
3 that motion to the congregation or if it was the
4 school board.
5 Q. Okay.
6 A. But I was privy of it before we called a special
7 meeting.
8 Q. Maybe -- I was trying to follow the relationship
9 between the board of directors and the school board
10 and the congregation and the other boards. Do the --
11 does the school board provide recommendations as to
12 either providing a call or hiring an employee, a
13 teacher?
14 A. Yes.
15 Q. What about the board of directors, do they provide
16 recommendations as to --
17 A. Typically it is a call committee that provides the --
18 the slate of candidates basically. The process is
19 you ask district for candidates that are --
20 would meet your need as far as a call. Typically, I
21 mean, we've had as many as nine candidates.
22 Q. People who are eligible for a job?
23 A. Yes.
24 Q. All right.

00084

1 A. And then the call committee -- often the call
2 committee for -- for a teacher is made up of the board
3 of directors and they are -- I mean not -- I'm
4 sorry -- the school board and there may be other
5 members at large but it is up to the school board
6 chair to convene that call committee. And if you are
7 calling a pastor, it's the board of elders that serves
8 that function.
9 Q. All right. And I'm still confused so maybe we can
10 clarify this. You have the board of directors?
11 A. Correct.
12 Q. Of which you were an ex-officio member, correct?
13 A. No, board of directors I am a member.
14 Q. You are a member. Then you have the school board and
15 you are an ex-officio member?
16 A. Correct.
17 Q. The call committee is a committee of which, the school
18 board or the board of directors?
19 A. I don't know the answer to that. It may be of the
20 congregation.
21 Q. So it's almost like a separate board but called a
22 committee?
23 A. It's not -- it's not a board, it's a temporary
24 assignment and typically -- so it's hard to --
25 it's hard to separate, you know, what typically

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00092
1 Q. The only reason that came to mind is when I was
2 looking at the documents that were provided by Hosanna
3 Tabor's attorney. Mr. Ware, it says worker benefit
4 plans Lutheran Church of Missouri Synod and it was the
5 same address, 1333 South Kirkwood Road, so it must be
6 the organization, right?
7 A. Uh-huh.
8 Q. Are there any other services that are retained from
9 the synod itself?
10 A. They operate our seminaries and our colleges that
11 train our teachers and pastors. They send
12 missionaries to various parts of the world, so there
13 is -- they -- they formulate policies and procedures
14 that -- that we -- we can't accept, most often we
15 accept as a congregation.
16 Q. Okay.
17 MR. ROACH: All right. We're going to take
18 half a minute, if you would, please?
19 (Off the record 5:41 p.m.)
20 (Back on the record at 5:48 p.m.)
21 MR. ROACH: I'm done with questions for right
22 now.
23 MR. WARE: I don't have anything.
24 MR. WEAVER: I don't have any either, so --
25 MR. ROACH: You are done.

00093
1 THE WITNESS: Okay.
2 (The deposition was concluded at 5:48 p.m.)
3 (Signature of the witness was not requested by
4 counsel for the respective parties hereto.)
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00094
1 CERTIFICATE OF NOTARY
2 STATE OF MICHIGAN)
3) SS
4 COUNTY OF OAKLAND)
5
6 I, Jodi L. Jones, a Notary Public in and for
7 the above county and state, do hereby certify that the
8 above deposition was taken before me at the time and

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place hereinbefore set forth: that the witness was by
me first duly sworn to testify to the truth, and
nothing but the truth; that the foregoing questions
asked and answers made by the witness were duly
recorded by me stenographically and reduced to
computer transcription; that this is a true, full and
correct transcript of my stenographic notes so taken;
and that I am not related to, nor of counsel to either
party nor interested in the event of this cause.

Jodi L. Jones, CSR-6591
Notary Public,
Oakland County, Michigan
My Commission expires: September 14, 2013

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(Exhibits attached to transcript.)